UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

aCon ARTIST, **-against-** May H. RUBIO	**Case No.** 2:23-CV-0014/QWT Qwerty, USDJ

ORDER AND OPINION ON PLAINTIFF'S MOTION TO EXPEDITE DEFENDANT'S RESPONSE TIME

KRDCGRFGWG4346, Esq. appeared for the plaintiff-movant.

MAXONYMOUS, Esq. appeared for the defendant-nonmovant.

Background

This motion was presented to the court within the context of the above civil action brought by plaintiff Artist against defendant Rubio. Counsel for the defendant appeared, and filed a notice of appearance with the court at 16:50 UTC on the 4th August 2023[1]. Counsel for the defendant thereafter indicated that they wished to make use of the full 60 days purportedly at their disposal in which to respond to the civil complaint. Counsel for the plaintiff seem to have been less than ecstatic at the prospect of waiting the fullness of two months in order to receive a response, and forthwith sought that the court direct a shorter period of response. They eventually (on the same day) made such a request in the regular form of the motion[2] of which this present order disposes. The defendant filed a response[3] to which the plaintiff filed a reply[4].

[1] https://discord.com/channels/979205293261078598/1136504082857734184/1137065072963887174
[2] https://drive.google.com/file/d/1IehZkmAzTOFyZP1XxlhFONuu6nr9siTR/view
[3] https://drive.google.com/file/d/1OuOhvV9RULuSgKZsDndqn-tD_evFpCi3/view?usp=sharing
[4] https://drive.google.com/file/d/1_65nLn2YBZNluVBnTFgGeAgAOpGTEN89/view?usp=sharing

Discussion

The motion, in appearance simple, nevertheless presents the court with several novel or unexpected questions of law. In considering the various submissions made by the parties at our bar, we must recall that this court is above all governed by "Rule 1's paramount command: the just, speedy, and inexpensive resolution of disputes." *Dietz v. Bouldin*, 579 U. S. 40, at 45, 136 S. Ct. 1885, 1891 (2016); quoting Fed. Rule of Civ. Proc. 1 (internal quotation marks omitted). In constructing those rules, we must therefore be mindful that they "are designed to further the due process of law that the Constitution guarantees." *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 465 (2000). In the matter of time, however, this has usually led us to grant *extension* requests, rather than those seeking to "expedite" a response, or, in other words, *shorten* the amount of time a party has to respond. *Cf. Rachel v. Troutt*, 820 F. 3d 390, 394 (10th Cir. 2016). In fact, the nonmovant's argument stretches little further in this respect than to observe that the Court lacks the power to make such an order (see *infra*).

The plaintiff in support of his motion directed the Court to consider "precedent"[5]. In this respect, we cannot help but think that the plaintiff is all but instinctively correct in suggesting that precedent may control or otherwise enlighten our response. Plaintiff forgets, however, that forasmuch as our juridical tradition may be underpinned by a sensible, "common sense" led approach[6], at least some of the time, the sometimes, and most fortunately occasionally, law prevails over it.

[5] https://discord.com/channels/979205293261078598/1136504082857734184/1137417381120069733
[6] This encompasses a range of momentous areas of our law, from the liberty of persons in matters of detention, see *United States v. Sharpe*, 470 U.S. 675, 685 (1985), to the rules of civil pleading, see *Ashcroft v. Iqbal*, 556 U.S. 662, 679, 129 S.Ct. 1937 at 1950 (2009).

Indeed, the question which the court is today concerned would not, to our mind, have arisen at all but for several developments in the wider sphere of the government of these United States, for our courts have long applied the computation of time provisions of the Reform of the Judge Advocate General Corps Act 2017 (Pub. L. 31-1) ("JAG Act") as operating as a "time conversion" of all timeframes except otherwise provided for, including to the times provided for within the Federal Rules. *Cf. Luxeity v. Axis* 4:20-cv-1382 ("per Fed. R. Civ. P. 12(a) subjected to time conversion."). This Act, however, like a great many of its cousins, was allegedly "reset", that is to say that "[a]s of 6:00pm EST [on the 16th July 2023], all nUSA based federal laws [and] all nUSA generated case law and court precedent are null and void"[7]. Since counsel for Rubio exhorts us to reason in this manner, and to decline in light of precedent to require him to respond in anything less than sixty ordinary days, we think it accordingly opportune to investigate the effect of such an alleged reset prior to any further investigation of the merits or demerits of any argument propounded by the plaintiff's motion.

We must firstly recall that as a rule of thumb, "[g]eneral terms should be so limited in their application as not to lead to injustice, oppression or an absurd consequence" and that we must presume "that the legislature intended exceptions to its language which would avoid results of this character." *Church of Holy Trinity v. United States*, 143 U.S. 457, 460 (1892). In furthering our discussion we are guided by the fact that the rule of law is built upon a bedrock of legal stability. "The people of this Nation rely upon stability in the law. Legal stability allows lawyers to give clients sound advice and allows ordinary citizens

[7] https://discord.com/channels/1885634185700311104/1127858347578490 88/1129899607846047865

to plan their lives." *Franchise Tax Bd. of California v. Hyatt*, 587 U. S. ____, slip op. at 12, 139 S. Ct. 1485, 1506 (2019) (Breyer, J., dissenting). These values lie at the core of what could best be termed a natural, quasi-universal theory of jurisprudence[8] and found our respect for *stare decisis*, *cf. Welch v. Texas Dept. of Highways and Public Transp.*, 483 US 468, 479 (1987). These precepts do not fade when we are faced with an authority empowered to edict wide-ranging rules relating to vast swathes of the legal landscape[9], instead, stare decisis gains "special force" *John R. Sand & Gravel Co. v. United States*, 552 U.S. 130, 139, 128 S.Ct. 750, 169 L.Ed.2d 591 (2008). Whilst the court does not today perceive the need to begin to refute the proposition that the greatest weight be accorded to group management directives, as the judiciary has often done, *cf. inter alia Sinz v. Nir* 10 U. S. 87 (nUSA 2020), we do not doubt that in conferring "ample power" *National League of Cities v. Usery*, 426 US 833, 842 (1976) unto "group management" authorities through the 28th Amendment, the American people sought for it to act in furtherance of "a more perfect union" and to "establish justice" U.S. Const. pmbl., not to deny justice. Forasmuch as we may no longer be bound by "legacy precedent", we decline to disregard entirely predictable, stable and legally certain solutions offered therein as persuasive indication of how courts may approach materially proximate situations – to do otherwise is simply to exceed the very province and duty of the courts.

These arguments do not, however entirely satisfy insofar as they most masterfully evade the "original question", namely the fount of authority from which our common "time conversion" provision derives,

[8] See for instance the European concept of legal certainty cf. *Deutsche Milchkontor GmbH v Germany* (Joined Cases 205-215/82).
[9] Whether or not group managers are actually entitled to do so is a different question which we perceive no need to answer in relation to the motion at our bar.

a matter which does not appear to be of the greatest pellucidity, and remains a question which has never been expressly addressed in any published judgment.

The Court's inquiry into the matter is nevertheless hindered by further obstacles, since the abundance of references to a form of time conversion is only matched by the scarcity of indications as to its basis. To begin with, the JAG Act itself provides, perhaps somewhat unhelpfully, only that "[t]o translate dates, the ratio of presidential term in real life to that in NUSA shall be used; this ratio is 1 year in real life = 1.5 months in NUSA." Pub. L. 31-1 Art. IV §2(b). The ambiguous formulation of this provision however hardly seems to have prevented courts from applying to a range of situations, although, there appears to be considerable inconsistency as to its exact extent. The first trace of a reference to the rule in reported cases appears to be found in *Seaborn v. Lukassie*, the Supreme Court through the pen of Justice Scalia having observed in obiter that "[o]ur criminal system applies the time conversion of one real year being equivalent to one and a half months" 4 U. S. 5, 7 n.1 (2017). Three years later, our Supreme Court returned to the time conversion rule in a criminal case, this time referring to it simply as "our conversion metric" with no further commentary. *Cabot v. United States* 10 U. S. 98, 99 (nUSA 2020). We have, however, noted at least one instance of a District Court applying a conversion to civil proceedings, *cf. Luxeity*, *supra*.

The most explicit, although certainly not the most authoritative or enlightening, clue as to the potential source of the metric lies, to our mind, in a "policy" (*infra*) drafted in all likelihood by Justice Chase several years past. Additionally, the court, in its inquiries, has been

able to source at least one reference, as an advisory statement[10] conceived to assist fellow members of the judiciary to the employment of the "time conversion metric" in civil proceedings, once again in judicial guidelines, penned by Justice Boston, containing a hyperlink to Justice Chase's observations[11]. These observations appear to interpret the operative provisions of the JAG Act as applying to the entirety of the United States Code, applying it by way of example notably to the limitation of time on certain patent claims provided for 35 U.S. Code § [2]86. Of course, we must be mindful that the Federal Rules represent an "exercise of Congress' rulemaking authority, which originates in the Constitution and has been bestowed on [the Supreme Court] by the Rules Enabling Act" *Burlington Northern R. Co. v. Woods*, 480 US 1, 5 (1987). It is a delegated power which "authorizes the Court to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts" *Racher v. Westlake Nursing Home Ltd. P'ship*, 871 F. 3d 1152, 1164 (10th Cir. 2017), quoting in part *Hanna v. Plumer*, 380 U.S. 460, 464, 85 S.Ct. 1136, 14 L.Ed.2d 8 (1965) (internal quot. marks omitted). Certainly, the Rules are derived from authority conferred by the United States Code, namely 28 U.S.C. § 2072, but we do not think it to be an accurate interpretation of the law to call it an integral part thereof. Our inquiry must, accordingly, look to other sources of law for guidance. We are not satisfied that the late Justice Chase's observations are anything other than that — observations. No indication is provided that it is anything other than an interpretive source or commentary, and the court must be mindful that we as a judiciary are "are not free to alter [the Federal Rules] except through the process prescribed by Congress" *Ortiz v. Fibreboard*

[10] (Boston, J.), *Reminder* https://discord.com/channels/346749831923892224/865022680281251860/1007523652708868136 ("When the US Government [...] is sued, they have a minimum of 7.5 days to respond to the civil complaint per FRCP Rule 12(a)(2). 60 days, but converted to nUSA time [...] [link to Justice Chase's observations]")
[11] https://trello.com/c/oFyGP0Bq/46-real-life-time-conversion

Corp., 527 U.S. 815, 861 (1999). We note also that whilst this conversion has often been applied to the longer periods of time contained with the Federal Rules, this is not the case for the shortest periods, such as those relating to procedures on a temporary restraining order. Exclusion thus invites this court to conclude the source of our "time conversion metric" lies only as a judicial interpretation of the meaning of units of time.

It is thus convincing to our mind at least both that we are no longer bound by controlling precedent with regards to the conversion of time[12] and that the "voiding" or, perhaps more plausible, repeal, of the JAG Act does not specifically deprive this court of its ability to operate such a conversion. Since no court has done so before us, we take the liberty of reminding the parties of what we understand the *raison d'être* of the conversion.

The court must firstly in this respect must be recognisant of the fact that the "Federal Rules of Civil Procedure are designed to further the due process of law that the Constitution guarantees." *Nelson*, 529 U.S., *supra* at 465. To this end, our circuit has recognised that we have an "affirmative duty of the court to exercise the authority conferred by these rules to ensure that civil litigation is resolved not only fairly, but also without undue cost or delay." *In re Cooper Tire & Rubber Co.*, 568 F. 3d 1180, 1188 (10th Cir. 2009), quoting Fed.R.Civ.P. 1 advisory committee's note (1993). Whilst it would be wholly dangerous for us to "put a cap on justice" *Cabot*, 10 U. S., at 100, inspired by, but by no means bound by, the provisions of the JAG Act, our legacy judiciary sought to employ a time conversion with respect to the majority of

[12] Although it does not appear to us to be entirely clear as to whether or not we ever were.

proceedings before courts. This conversion, however, must be sensitive to the interests of justice which it seeks to serve; thereunder a plaintiff having waived summons is entitled, as reflects the incentive granted to him by the Federal Rules, to approximately a week (or slightly more) in which to respond, whereas one who awaits his process to do so may only be entitled to somewhere between two and three days. These conversions, additionally, are not set in stone, and the court must be minded, wherever it is presented with a good reason to do so, to readily extend them by reasonable increments. In this respect we are not satisfied that a sixty-day response period satisfies the ends of justice – counsel for the defendant has produced no reason, other than an attempt at introducing "routine chicanery[13]" which would begin to warrant a 60 day delay. Much as Justice Kagan could not "fathom a system that would aim to call itself one of "justice" that limits the ability for litigants to argue their case" *Cabot,* 10 U. S., at 100, we cannot fathom one which allows defendants to hide behind manifestly unwarranted response times in order to delay and deny justice.

We lastly observe, albeit briefly, as the court has not been briefed explicitly on the matter by either party, that whilst counsel for the defendant correctly recalls that no specific provision of the Federal Rules authorises this Court to shorten the duration in which a defendant may respond to an action, the court does enjoy a general power under Federal Rule of Civil Procedure 87[14] to, where the interests of justice so require, set aside the provisions of any given Federal Rule of Civil Procedure. To this end we note that the Supreme Court commands that "[the] principal function of procedural rules

[13] We thank our colleague in the Northern District of Iowa for the turn of phrase, see *Security National Bank of Sioux City, Iowa v. Abbott Laboratories*, 299 F.R.D. 595, 597 (N.D. Iowa 2014)
[14] https://trello.com/c/jJxFgfit/140-frcp-rule-87-suspension

should be to serve as useful guides to help, not hinder, persons who have a legal right to bring their problems before the courts." *Schiavone v. Fortune*, 477 U.S. 21, 27 (1986) (internal quot. marks omitted), and that the command of Rule 1 acts as a lodestar in so doing. We are not, however, empowered to make broad, sweeping orders thereunder as a matter of general policy but only "for a particular case", and accordingly decline to exercise that power in relation to a general matter.

The court must, however, acknowledge that there appears to be great variance in the approaches adopted between judges and jurisdictions on this matter, see for instance *A_ttorney et al. v. Jsjsjbsd* 5:23-cv-0014/GXY. The question of law presented to the court is, we feel entitled to say with the greatest confidence, one which is "narrow, debatable, and important" *United States v. Seale*, 558 U.S. 985, 986, 130 S.Ct. 12, 13 (2009), see also *Kirkman v. Nev. H'wy Patrol* 5 U. S. 62, 63 (nUSA 2018) (Bork, J., dissenting), and which is undoubtedly "the subject of disagreement in [the District Court]" *United States v. Barnett*, 376 U.S. 681, 689 n.6 (1964). It is, in other words, a question which may be suited for certification to the Supreme Court. To be sure, "[t]he Supreme Court has instructed that certification is reserved for the rare instances ... when [it] may be advisable in the proper administration and expedition of judicial business" *United States v. Penaranda*, 375 F. 3d 238, 242 (2d. Cir. 2004), quoting in part *Wisniewski v. United States*, 353 U.S. 901, 902, 77 S.Ct. 633, 1 L.Ed.2d 658 (1957) (*per curiam*) (internal quotation marks omitted), and we are of course ever mindful of the fact that "the Supreme Court has discouraged the use of this certification procedure and has accepted certified questions only [several] times in the last 60 years." *In re Hill*,

777 F.3d 1214, 1225 (11th Cir. 2015). Before certifying a question, the court must of course ensure that it constitutes not merely an attempt to "blink because a case is hard or sensitive" *Evans v. Stephens*, 387 F. 3d 1220, 1228 n.14 (11th Cir. 2004). In considering whether or not to certify a question, it is of course only proper to bear in mind at all times that whilst what the Federal Circuit has called "definitive resolution" of a question of law may be desirable, proceedings under a certified question may subject to the parties to the ardours of complex, sometimes protracted, litigation before the Supreme Court whilst contributing to the overall congestion of the already busy docket of that court. See *Christianson v. Colt Industries Operating Corp.*, 822 F. 2d 1544, 1560 (Fed. Cir. 1987). We must, before certifying a question, for else we risk of exceeding the "limited jurisdiction" *Board of County Com'rs v. Suncor Energy (USA)*, 25 F. 4th 1238, 1250 (10th Cir. 2022) (quoting *Gunn v. Minton*, 568 U.S. 251, 256, 133 S.Ct. 1059, 185 L.Ed.2d 72 (2013)) which is ours, ensure that the questions raised "[are] part and parcel to [the] resolution of a controversy" before us. *Benda v. United States* 5 U. S. 25, 30 (nUSA 2018), quoting *Kirkman* 5 U. S., *supra*, at 62. The questions raised must, in other words, be "definite questions as shall actually arise and become the subject of disagreement" *Ward v. Chamberlain*, 67 U.S. 430, 434 (1863). We are satisfied that the question of the applicability of the time conversion metric is one such question.

The court must, however, before proceeding any further on the certified question, satisfy itself firstly of its competence to certify a question, and thereafter of its power to do so *sua sponte*.

The doubt of the court as to the former of the two prongs of the matter arises from the provisions of 28 U.S. Code § 1254(2), as it is now known, providing only that a "Court of Appeals" may certify "any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy", excluding by extension this Court from that faculty. We note, however, that Rule 19 of the Supreme Court[15] (as amended, see original[16]) provides otherwise making references generally to "United States courts", a term of art which, if slightly antiquated, is generally understood to comprise U.S. District Courts like this one, and used most commonly in opposition to State, Tribal and Territorial courts, see 28 U.S. Code § 451, *Nguyen v. United States*, 539 U.S. 69, 76 (2003). Whilst our own Supreme Court certainly appears, since the aforementioned amendment, to have produced a steady line of jurisprudence in favour of its own jurisdiction, and, at least as we understand it to have been intended by the legacy Supreme Court, by extension our power to certify, *cf. Sinz v. Nir* 10 U. S. 93, 93 (nUSA 2020) (per curiam) ("assum[ing] jurisdiction" on a case brought before it on a certificate under Rule 19), *FEC v. Raps* 5 U. S. 42, 46 (nUSA 2018), *Kirkman*, 5 U.S., *supra*, at 62 (per curiam), as we have previously highlighted, such indications, assuming that they were at one point more than mere dicta, no longer bind us. For reasons explained *infra*, we refuse to equate the Supreme Court's power to answer with our power to certify. Since we sit in judgment of a federal action[17], we are not of "unlimited jurisdiction" *Hackbart v. Cincinnati Bengals, Inc.*, 601 F. 2d 516, 523-24 (10th Cir. 1979) but

[15] https://trello.com/c/oxydQhsK/133-rule-19-of-the-supreme-court-procedure-on-a-certified-question
[16] https://www.supremecourt.gov/ctrules/2023RulesoftheCourt.pdf#page=27
[17] The matter would perhaps have been somewhat different had we been sitting as the Colorado District Court.

constricted by the limited province of our powers. No court, to our knowledge, has ever held the power to certify or receive certificates inherent to the judiciary or its function. Whilst we do enjoy a broad, inherent, power to make rules of procedure, we are bound in so doing by the commandments of "the Constitution or the Congress." *Carlisle v. United States*, 517 U.S. 416, 426 (1996), quoting *United States v. Hasting*, 461 U. S. 499, 505 (1983). Just like the *Carlisle* court found that a court lacks capacity to "develop rules that circumvent or conflict with the Federal Rules of Criminal Procedure" *Id.*, we are *a fortiori* unpersuaded that any court, whether that be the Supreme Court or any other, ought properly find itself possessed with the power to "circumvent" the provisions of 28 USC § 1254 subsection (2) by way of exercise of its rulemaking power. We note lastly in this regard that the power of the Supreme Court to determine its own rules is both independent of, and of much greater antiquity than, that exercisable with respect to the lower courts, and that the provisions of the Supreme Court's own rules do not, even assuming, as we do not, that the assumption of jurisdiction to answer certified questions from District Courts is regular in character, otherwise act as authority for us to certify questions (see *infra*).

In considering the question of certification, this Court explored momentarily the proposition that we are, however, entitled to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law" 28 U.S. Code § 1651(a). "In determining what auxiliary writs are `agreeable to the usages and principles of law,' we look first to the common law," *Rawlins v. Kansas*, 714 F. 3d 1189, 1196 (10th Cir. 2013), quoting *United States v. Hayman*, 342 U.S. 205, 221 n. 35, 72 S.Ct. 263, 96

L.Ed. 232, (1952). The court barely perceives the need to recall in writing that the certified question is scarcely a youthful invention - its statutory origins are to be located in the very Act of Congress establishing the modern circuit court itself. It has, as will have been demonstrated above, been employed with greater or lesser frequency but reassuring continuity since that time[18]. Whilst for reasons previously stated we diverge with the legacy courts as to the stated source of jurisdiction, err in favour of believing that the time-honoured practice of the District Courts and the Supreme Court tend towards the existence of a means of certification, we are also wary of attributing this mechanism to an "equitable [...] failsafe, to be used sparingly and only in the most critical and exigent circumstances." *Wheaton College v. Burwell*, 573 US 958, 964, 134 S.Ct. 2806, 2810 (2014) (Sotomayor, J., dissenting), and we are commanded by the Supreme Court to remember that "[w]here a statute specifically addresses the particular issue at hand, it is that authority, and not the All Writs Act, that is controlling." *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 32 (2002), quoting *Pennsylvania Bureau of Corrections v. United States Marshals Service*, 474 U.S. 34, 43 (1985).

We must, however, for in failing to do so we entice ourselves into the appearance of a contradiction of great magnitude, distinguish between our views with respect to Rule 19 of the Supreme Court and the issuance of a writ under the All Writs Act. In the case of the former, as the previous form of Rule 19 expressly acknowledged, and the Supreme Court, being a federal court of not unlimited jurisdiction with no constitutional basis on which to found the receipt of certificates from other courts, we are inclined to find it deprived of the jurisdictional

[18] Incidentally we understand the first such certificate to have been decided by the Supreme Court to be *United States v. Jahn*, 155 US 109 (1894).

basis to answer such questions. The power to certify a question, however, is distinct. It is not inherently jurisdictional in nature — for the certifying court will presumably be exercising jurisdiction over the question giving rise to the controversy[19] but related only to the means by which that jurisdiction may be exercised - to be clear, "jurisdiction cannot be acquired by means of the writ to be issued", as the "the All Writs Act is not a font of jurisdiction" *United States v. Denedo*, 556 U.S. 904, 914, 129 S.Ct. 2213, 2222 (2009). To put it another way, the All Writs Act may be a tool in our toolbox, and a mechanism allowing us to reach a certain end, but it does not qualify us to conduct repairs on another category of object. As much as our own jurisdiction to have cognisance over the filing of a responsive pleading to a civil complaint in an action before us is not in question, that of the Supreme Court to *answer* the questions put to us is. In this respect, it will particularly be observed that the Supreme Court has never explicitly, other than to exhort the lower courts to do so sparingly, held that such a court erred in certifying a question to it, preferring instead to decline to answer a question instead. In a similar vein, north of the border and admittedly in a considerably different constitutional framework, the Canadian Supreme Court has at times, but without attempting to impugn the legality of the reference in the first place, declined to respond to reference questions on the basis of their inability to be cognised by the judiciary (such as where they constitute political questions). See for instance *Reference re Same-Sex Marriage*, 2004 SCC 79, [2004] 3 S.C.R. 698 (Can.) at para 65. Accordingly, and far from contradicting ourselves as we readily admit a *prima facie* understanding of our holding may give the appearance of, whilst we doubt strongly of the Supreme Court's jurisdiction to answer the questions that we

[19] We exclude from this discussion the circumstances in which a jurisdictional question will be the exact question of law being certified.

contemplate certifying to it, we are not persuaded of the existence of a bar to our certificate in the first place.

We briefly observe that the court has not sought briefing from the parties on the proposed certificate at our bar and thus seek, with the concision and arguably laconism of the briefest of passing remarks to address the issue of the propriety of a *sua sponte* certificate. In this regard we note firstly that there was an established practice, prior to the 1988 amendment, of *sua sponte* certifying cases on appeal, *cf*. *United States v. Stanley*, 483 U.S. 669, 673 (1987). Secondly, it is "ordinary" for Federal courts to certify questions to State courts *sua sponte*. See 17A Charles Alan Wright et al., Fed. Prac. & Proc. § 4248, at 509 (3d ed.2007) ("[o]rdinarily a court will order certification on its own motion"). Whilst we readily acknowledge that neither is a perfect analogy, and readily accept that certification to State court is at times inevitable and necessary in a manner in which certification to the United States Supreme Court is not, for Federal courts are by their nature often poor judges of State law, we nevertheless find these authorities to be indicative of a general power to seek on our own motion enlightenment on questions of law from another court.

Conclusion and Order

Having regard to the above, the Court ORDERS as follows;

1. That the following questions be **certified** to the Supreme Court:

    a. Is a United States District Court empowered by the All Writs Act to certify a question of law to the Supreme Court?

    b. Did the District Court err in holding that the time conversion provisions pertaining to the Federal Rules of Civil Procedure continue to hold effect?

2. That all other proceedings before the court be **STAYED** pending proceedings before the Supreme Court on the certified question and in *Jsjsjbsd v. United States*.

It is so ORDERED,

9th August 2023

/s/NewPlayerqwerty

USDJ